

Fill in this information to identify the case:

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Debtor 1	John Michael Smilo
Debtor 2 (Spouse, if filing)	Traci Lynn Smilo
United States Bankruptcy Court for the:	Southern
Case number	District of Ohio (State) 2:17-bk-53776

**Official Form 410S1****Notice of Mortgage Payment Change**

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

U.S. Bank Trust National Association,

Name of creditor: as Trustee of Cabana Series III Trust

Court claim no. (if known): 6-1

Last 4 digits of any number you use to identify the debtor's account: 9638

Date of payment change:  
Must be at least 21 days after date 08 /03 /2020  
of this notice

New total payment: \$ 1,361.58  
Principal, interest, and escrow, if any

**Part 1: Escrow Account Payment Adjustment****1. Will there be a change in the debtor's escrow account payment?** No

Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 391.82

New escrow payment: \$ 399.62

**Part 2: Mortgage Payment Adjustment****2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?** No

Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_ %

New interest rate: \_\_\_\_\_ %

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

**Part 3: Other Payment Change****3. Will there be a change in the debtor's mortgage payment for a reason not listed above?** No

Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

Debtor 1 John Michael Smilo  
First Name Middle Name Last Name

Case number (if known) 2:17-bk-53776

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

I am the creditor.  
 I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X** /s/ Michelle Ghidotti 07 / 09 / 2020  
Signature

Print: Michelle Ghidotti Date 07 / 09 / 2020  
First Name Middle Name Last Name Title AUTHORIZED AGENT

Company Ghidotti Berger, LLP

Address 1920 Old Tustin Ave  
Number  Street   
Santa Ana, CA 92705  
City  State  ZIP Code

Contact phone (949) 427 - 2010 Email mghidotti@ghidottiberger.com



314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354  
1-800-327-7861  
<https://myloanweb.com/BSI>

## Annual Escrow Account Disclosure Statement

ACCOUNT NUMBER: [REDACTED]

DATE: 06/25/20

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JOHN M SMILO  
636 RIDGEWOOD DR  
COSHOCTON, OH 43812

PROPERTY ADDRESS  
636 RIDGEWOOD DR  
COSHOCTON, OH 43812

PLEASE REVIEW THIS STATEMENT CLOSELY - YOUR MORTGAGE PAYMENT MAY BE AFFECTED. THIS STATEMENT TELLS YOU OF ANY CHANGES IN YOUR MORTGAGE PAYMENT, ANY SURPLUS REFUNDS, OR ANY SHORTAGE YOU MUST PAY. IT ALSO SHOWS YOU THE ANTICIPATED ESCROW ACTIVITY FOR YOUR ESCROW CYCLE BEGINNING 08/03/2020 THROUGH 07/31/2021.

### ----- ANTICIPATED PAYMENTS FROM ESCROW 08/03/2020 TO 07/31/2021 -----

HOMEOWNERS INS	\$1,467.99
COUNTY TAX	\$2,881.26
TOTAL PAYMENTS FROM ESCROW	\$4,349.25
MONTHLY PAYMENT TO ESCROW	\$362.43

### ----- ANTICIPATED ESCROW ACTIVITY 08/03/2020 TO 07/31/2021 -----

ANTICIPATED PAYMENTS			ESCROW BALANCE COMPARISON		
MONTH	TO ESCROW	FROM ESCROW	DESCRIPTION	ANTICIPATED	REQUIRED
			STARTING BALANCE -->	\$1,374.99	\$1,821.33
AUG	\$362.43			\$1,737.42	\$2,183.76
SEP	\$362.43			\$2,099.85	\$2,546.19
OCT	\$362.43	\$1,467.99	HOMEOWNERS INS	\$994.29	\$1,440.63
NOV	\$362.43			\$1,356.72	\$1,803.06
DEC	\$362.43	\$1,440.63	COUNTY TAX	L1-> \$278.52	L2-> \$724.86
JAN	\$362.43			\$640.95	\$1,087.29
FEB	\$362.43			\$1,003.38	\$1,449.72
MAR	\$362.43			\$1,365.81	\$1,812.15
APR	\$362.43			\$1,728.24	\$2,174.58
MAY	\$362.43			\$2,090.67	\$2,537.01
JUN	\$362.43	\$1,440.63	COUNTY TAX	\$1,012.47	\$1,458.81
JUL	\$362.43			\$1,374.90	\$1,821.24

### ----- DETERMINING THE SUFFICIENCY OF YOUR ESCROW BALANCE -----

IF THE ANTICIPATED LOW POINT BALANCE (L1) IS LESS THAN THE REQUIRED BALANCE (L2), THEN YOU HAVE AN ESCROW SHORTAGE. YOUR ESCROW SHORTAGE IS \$446.34.

### CALCULATION OF YOUR NEW PAYMENT

PRIN & INTEREST	\$961.96
ESCROW PAYMENT	\$362.43
SHORTAGE PYMT	\$37.19
<b>NEW PAYMENT EFFECTIVE 08/03/2020</b>	<b>\$1,361.58</b>

YOUR ESCROW CUSHION FOR THIS CYCLE IS \$724.86.

\*\*\*\*\* Continued on reverse side \*\*\*\*\*



Loan Number: [REDACTED]  
Statement Date: 06/25/20  
Escrow Shortage: \$446.34

Important: Please return this coupon with your check.

BSI FINANCIAL SERVICES  
314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354

### Escrow Payment Options

I understand that my taxes and/or insurance has increased and that my escrow account is short \$446.34. I have enclosed a check for:

**Option 1:** \$446.34, the total shortage amount. I understand that if this is received by 08/03/2020 my monthly mortgage payment will be \$1,324.39 starting 08/03/2020.

**Option 2:** \$\_\_\_\_\_ , part of the shortage. I understand that the rest of the shortage will be divided evenly and added to my mortgage payment each month.

**Option 3:** You do not need to do anything if you want to have all of your shortage divided evenly among the next 12 months.

Please make your check payable to: BSI FINANCIAL SERVICES and please include your loan number on your check.

\*\*\*\*\* **Continued from front** \*\*\*\*\***ACCOUNT HISTORY**

THIS HISTORY STATEMENT COMPARES YOUR PRIOR ANALYSIS CYCLE PROJECTED ESCROW ACTIVITY TO THE ACTUAL ESCROW ACTIVITY BEGINNING 08/03/2019 AND ENDING 07/31/2020. IF YOUR LOAN WAS PAID-OFF, ASSUMED OR TRANSFERRED DURING THIS PRIOR CYCLE, OR THE COMPUTATION YEAR IS BEING CHANGED, ACTUAL ACTIVITY STOPS AT THAT POINT. THIS STATEMENT IS INFORMATION ONLY AND REQUIRES NO ACTION ON YOUR PART.

YOUR PAYMENT BREAKDOWN AS OF 08/03/2019 IS:

PRIN & INTEREST	\$961.96
ESCROW PAYMENT	\$339.07
SHORTAGE PYMT	\$52.78
BORROWER PAYMENT	\$1,353.81

PAYMENTS TO ESCROW			PAYMENTS FROM ESCROW			ESCROW BALANCE		
MONTH	PRIOR PROJECTED	ACTUAL	PRIOR PROJECTED	ACTUAL	DESCRIPTION	PRIOR PROJECTED	ACTUAL	
AUG	\$339.07	\$0.00 *			STARTING BALANCE	\$1,655.48	\$999.87	
SEP	\$339.07	\$783.70 *				\$1,994.55	\$999.87	
OCT	\$339.07	\$391.85 *	\$1,276.51		HOMEOWNERS INS	\$2,333.62	\$1,783.57	
OCT				\$1,467.99 *	HOMEOWNERS INS	\$1,396.18	\$707.43	
NOV	\$339.07	\$391.85 *				\$1,735.25	\$1,099.28	
DEC	\$339.07	\$391.85 *	\$1,396.18		COUNTY TAX	T->	\$678.14	\$1,491.13
JAN	\$339.07	\$0.00 *				\$1,017.21		\$1,491.13
FEB	\$339.07	\$391.85 *		\$1,440.63 *	COUNTY TAX	\$1,356.28	A->	\$442.35
MAR	\$339.07	\$0.00 *				\$1,695.35		\$442.35
APR	\$339.07	\$0.00 *				\$2,034.42		\$442.35
MAY	\$339.07	\$0.00 *				\$2,373.49		\$442.35
JUN	\$339.07	\$391.85 *	\$1,396.18		COUNTY TAX	\$1,316.38		\$834.20
JUL	\$339.07	\$0.00				\$1,655.45		\$834.20
	<b>\$4,068.84</b>	<b>\$2,742.95</b>		<b>\$4,068.87</b>		<b>\$2,908.62</b>		

UNDER FEDERAL LAW, WHEN YOUR ACTUAL ESCROW BALANCE REACHED THE LOWEST POINT, THAT BALANCE WAS TARGETED NOT TO EXCEED 1/6TH OF THE ANNUAL PROJECTED DISBURSEMENTS. YOUR LOAN DOCUMENTS OR STATE LAW MAY SPECIFY THAT YOUR LOWEST BALANCE MUST BE A LOWER AMOUNT THAN THE FEDERAL LAW ALLOWS.

UNDER YOUR MORTGAGE CONTRACT OR STATE OR FEDERAL LAW, YOUR TARGETED LOW POINT BALANCE (T) WAS \$678.14. YOUR ACTUAL LOW POINT ESCROW BALANCE (A) WAS \$442.35.

BY COMPARING THE ANTICIPATED ESCROW TRANSACTIONS WITH THE ACTUAL TRANSACTIONS YOU CAN DETERMINE WHERE A DIFFERENCE MAY HAVE OCCURRED. AN ASTERISK (\*) INDICATES A DIFFERENCE IN EITHER THE AMOUNT OR DATE OF THE PROJECTED ACTIVITY THAT HAS NOT YET OCCURRED DUE TO THE DATE OF THIS STATEMENT.

IF THERE ARE NO PRIOR PAYMENTS TO OR FROM ESCROW SHOWN, THERE WAS NO PRIOR PROJECTION TO WHICH THE ACTUAL ACTIVITY COULD BE COMPARED.

## Determining your Shortage or Surplus

### Shortage:

Any shortage in your escrow account is usually caused by one the following items:

- An increase, if any, in what was paid for insurance and/or taxes from your escrow account.
- A projected increase in taxes for the upcoming year.
- The number of months elapsed from the time of these disbursements to the new payment effective date.

Shortages are divided evenly of the next twelve months. To reduce the increase in your monthly payment, the shortage can be paid either partially or in full.

### Surplus:

A surplus in your escrow account is usually caused by one the following items:

- The insurance/taxes paid during the past year were lower than projected.
- A refund was received from the taxing authority or insurance carrier.
- Additional funds were applied to your escrow account.

If your surplus is \$50.00 or greater and your loan was contractually current at the time when the analysis was run or calculated, a check will be sent to you. If your surplus is less than \$50.00, the funds will be retained in your escrow account.

**CERTIFICATE OF SERVICE**

On July 9, 2020 I served the foregoing documents described as NOTICE OF MORTGAGE PAYMENT CHANGE the following individuals by electronic means through the Court's ECF program:

DEBTOR'S COUNSEL

Crystal I Zellar  
mail@zellarlaw.com

U.S. TRUSTEE

Asst US Trustee (Day)  
ustpregion09.ecf@usdoj.gov

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Marlen Gomez  
Marlen Gomez

On July 9, 2020, I served the foregoing documents described as NOTICE OF MORTGAGE PAYMENT CHANGE on the following individuals by depositing true copies thereof in the United States mail at Santa Ana, California enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR

John Michael Smilo  
636 Ridgewood Dr  
Coshocton, OH 43812

JOINT DEBTOR

Traci Lynn Smilo  
636 Ridgewood Dr  
Coshocton, OH 43812

TRUSTEE

Interim Faye English  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Marlen Gomez  
Marlen Gomez